

Virginia Title V Operating Permit

Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-305 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

| | |
|----------------------|---|
| Permittee Name: | Prince William County, Department of Public Works |
| Facility Name: | Prince William County Sanitary Landfill |
| Facility Location: | 14811 Dumfries Road Manassas, VA. 20112-3941 |
| Registration Number: | 72340 |
| Permit Number: | NVRO72340 |

April 15, 2002 (modified January 22, 2003 and February 9, 2004)
Effective Date

April 14, 2007
Expiration Date

Robert G. Burnley
Director, Department of Environmental Quality

Signature Date
Table of Contents, 2 pages
Permit Conditions, 35 pages

Table of Contents

| | |
|---|-----------|
| I. FACILITY INFORMATION | 4 |
| II. EMISSION UNITS | 6 |
| III. LANDFILL REQUIREMENTS – (EMISSION UNITS: EU-01 AND POLLUTION CONTROL DEVICES PCD-01, PCD-02 AND PCD-03) | 7 |
| A. LIMITATIONS | 7 |
| B. MONITORING..... | 9 |
| C. CORRECTIVE ACTIONS..... | 11 |
| D. RECORD KEEPING | 13 |
| E. TESTING | 15 |
| F. REPORTING | 18 |
| G. REQUIREMENTS FOR LANDFILL CLOSURE | 19 |
| IV. FACILITY WIDE CONDITIONS – LANDFILL SURFACE AND ROADS | 21 |
| A. LIMITATIONS | 21 |
| B. MONITORING AND RECORD KEEPING | 21 |
| C. REPORTING | 22 |
| V. INSIGNIFICANT EMISSION UNITS | 23 |
| VI. PERMIT SHIELD & INAPPLICABLE REQUIREMENTS | 24 |
| VII. GENERAL CONDITIONS..... | 25 |
| A. FEDERAL ENFORCEABILITY | 25 |
| B. PERMIT EXPIRATION | 25 |
| C. RECORDKEEPING AND REPORTING | 26 |
| D. ANNUAL COMPLIANCE CERTIFICATION..... | 27 |
| E. PERMIT DEVIATION REPORTING..... | 28 |
| F. FAILURE/MALFUNCTION REPORTING..... | 28 |
| G. SEVERABILITY | 28 |
| H. DUTY TO COMPLY | 28 |
| I. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE | 29 |
| J. PERMIT ACTION FOR CAUSE..... | 29 |
| K. PROPERTY RIGHTS | 30 |
| L. DUTY TO SUBMIT INFORMATION..... | 30 |
| M. DUTY TO PAY PERMIT FEES | 30 |
| N. FUGITIVE DUST EMISSION STANDARDS | 30 |
| O. STARTUP, SHUTDOWN, AND MALFUNCTION | 31 |
| P. ALTERNATIVE OPERATING SCENARIOS..... | 31 |
| Q. INSPECTION AND ENTRY REQUIREMENTS | 32 |
| R. REOPENING FOR CAUSE..... | 32 |
| S. PERMIT AVAILABILITY..... | 33 |

T. TRANSFER OF PERMITS33

U. MALFUNCTION AS AN AFFIRMATIVE DEFENSE.....33

V. PERMIT REVOCATION OR TERMINATION FOR CAUSE.....34

W. DUTY TO SUPPLEMENT OR CORRECT APPLICATION.....34

X. STRATOSPHERIC OZONE PROTECTION.....35

Y. ACCIDENTAL RELEASE PREVENTION35

Z. CHANGES TO PERMITS FOR EMISSIONS TRADING.....35

AA.EMISSIONS TRADING35

I. Facility Information

Permittee

Prince William County, Department of Public Works
4379 Ridgewood Center Drive
Prince William, VA. 22192-5308

Responsible Official

Craig H. Gerhart
County Executive

Facility

Prince William County Sanitary Landfill
14811 Dumfries Road
Manassas, VA. 20112-3941

Contact Person

Thomas J. Smith
Solid Waste Division Chief

Other Interested Parties

NEO Prince William LLC – owns and operates the landfill gas collection and control system and landfill gas-fired enclosed flare

Minnesota Methane Prince William Energy LLC – owns and operates two landfill gas-fired internal combustion engines.

AIRS Identification Number: 51-153-0139

Facility Description: SIC Code 4953 – Sanitary Services, Refuse Systems

Prince William County operates a municipal solid waste landfill on a property of approximately 1,000 acres. The landfill operates under DEQ Solid Waste Management Permit No. 29, and has a design capacity of 8,038,000 megagrams (Mg) and 12,138,000 cubic meters (m³).

The landfill began operations in 1968 on the site designated the “Old Landfill (17 acres),” moved into the “Existing Landfill (57 acres)” in 1971 and is presently filling in Phase I, Part 1 of the solid waste permitted expansion. The landfill was considered modified on December 31, 1991 for purposes of applicability to 40 CFR 60 Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills.

An active landfill gas collection and control system, owned and operated by NEO Prince William LLC, was installed and became operational in June 1998. The system was designed to handle landfill gas generated from the “Existing Landfill,”

Phase I, Part 1 of the current expansion and future permitted phases. Methane, carbon dioxide and non-methane organic compounds (NMOCs) are collected by the system and controlled by a combination of two landfill gas-fired, caterpillar model 3516 internal combustion engines rated at 1,340 brake horsepower (Bhp), and one LFG Specialties enclosed flare rated at 60.0 million Btu's per hour (MMBtu/hr). Landfill gas is not collected from the Old Landfill. NEO Prince William LLC owns and operates the enclosed flare and Minnesota Methane Prince William Energy LLC owns and operates the internal combustion engines.

Additional emission sources at Prince William County Sanitary Landfill consist of diesel-fired grinders and screens used as part of a county-owned composting operation, leachate lagoons, diesel storage tanks for a vehicle refueling operation, miscellaneous space heating and the landfill surface and roads.

II. Emission Units

Equipment to be operated consists of:

| Emission Unit ID | Emission Unit Description | Size/Rated Capacity* | Pollution Control Device (PCD) Description | PCD ID/Stack ID | Pollutant Controlled | Applicable Permit Date |
|----------------------------|--|--|--|-----------------|----------------------|------------------------|
| Landfill Operations | | | | | | |
| EU-01 | Municipal Solid Waste Landfill (began operation 1968) | (8,038,000 Mg and 12,138,000 m ³) ¹ | Landfill Gas-fired Caterpillar Model 3516 Internal Combustion Engine | PCD-01 and S-1 | NMOCs and VOCs | --- |
| | | | Landfill Gas-fired Caterpillar Model 3516 Internal Combustion Engine | PCD-02 and S-2 | | |
| | | | LFG Specialties Enclosed Flare | PCD-03 and S-3 | | |
| Landfill Surface and Roads | | | | | | |
| --- | Landfill Surface and Roads | --- | --- | --- | --- | --- |

*The Size/Rated capacity and PCD efficiency is provided for informational purposes only, and is not an applicable requirement.

¹: Design Capacity from Initial Design Capacity Report Form dated June 7, 1996.

III. Landfill Requirements – (Emission Units: EU-01 and Pollution Control Devices PCD-01, PCD-02 and PCD-03)

A. Limitations

1. The landfill and active gas collection and control system shall be operated in accordance with 40 CFR 60 Subpart WWW.
(9 VAC 5-50-410 and 9 VAC 5-80-110)
2. The active gas collection and control system shall be capable of collecting and transporting the maximum expected gas flow rate from the entire area of the landfill to the engines (PCD-01 and PCD-02) and/or the enclosed flare (PCD-03), as detailed in the "Design Plan for a Landfill Gas Collection and Control System for the Existing Landfill and Phase 1, Part 1 of the Prince William County Landfill," dated May 19, 1997, and any DEQ approved amendments.
(40 CFR 60.752(b)(2)(ii)(A)(1), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)
3. The active gas collection and control system shall collect gas from each area, cell or group of cells in which initial solid waste has been in place for a period of five years or more if active, or two years or more if closed or at final grade. This condition shall apply as specified in the Design Plan dated May 19, 1997, and any DEQ approved amendments.
(40 CFR 60.753(a), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)
4. The permittee shall operate the active gas collection and control system at a gas extraction rate sufficient to meet the operational requirements of Conditions III.A.6 and III.A.7.
(40 CFR 60.752 b(2)(ii)(A)(3), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)
5. The permittee shall operate the active gas collection and control system to minimize off-site migration of subsurface gas as detailed in the Design Plan dated May 17, 1997, and any DEQ approved amendments.
(40 CFR 60.752 b(2)(ii)(A)(4), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)
6. The permittee shall operate the active gas collection and control system such that a negative pressure exists at each wellhead except under the following conditions:
 - a. When a fire has occurred or well temperature has increased,

- b. When a geomembrane or synthetic cover is used and the permittee has developed pressure limits approved by the Air Compliance Manager, Northern Virginia Regional Office,
 - c. When a well has been decommissioned
- (40 CFR 60.753(b), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)
7. The permittee shall operate the active gas collection and control system such that each interior wellhead in the collection system has a landfill gas temperature less than 55 °C and having either:
- a. A nitrogen content less than 20 percent, as determined by EPA Method 3C or an alternative method approved in advance by the Administrator, EPA; or
 - b. An oxygen content less than 5 percent, as determined by EPA Method 3A.
- (40 CFR 60.753(c), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)
8. The permittee shall operate the active gas collection and control system such that the concentration of methane at the surface of the landfill, including the "old landfill", is less than 500 parts per million (ppm) above background as determined by EPA Method 21.
- (40 CFR 60.753(d), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)
9. The limitations on pressure, oxygen, nitrogen, temperature and surface methane as provided in Conditions III.A.6, III.A.7, and III.A.8 apply at all times except start-up, shutdown, or malfunction, provided that the duration of the start-up, shutdown, or malfunction shall not exceed five days for the collection system and shall not exceed one hour for the control devices, PCD-01, PCD-02 and PCD-03.
- (40 CFR 60.755(e), 9 VAC 50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)
10. The permittee shall operate the active gas collection and control system such that all collected gases are vented to any or all of the pollution control devices, PCD-01, PCD-02 and PCD-03. In the event the collection or control system is inoperable, the gas mover system shall be shut down and all valves in the collection and control system contributing to venting of gas to the atmosphere shall be closed within one hour.
- (40 CFR 60.753(e), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)

11. The pollution control devices, PCD-01, PCD-02 and PCD-03, shall either reduce NMOC by 98 weight-percent or reduce the outlet NMOC concentration to less than 20 parts per million by volume, on a dry basis, as hexane, at 3 percent oxygen (ppmvd @ 3% O₂), as determined by EPA Method 25C or EPA Method 18.
(40 CFR 60.752 b(2)(iii)(B), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)
12. The permittee shall operate at least one of the pollution control devices, PCD-01, PCD-02 or PCD-03, at all times when collected gas is routed to the control system. The number of control devices operated during this time period shall at least be the minimum number necessary to handle the maximum expected gas flow at the time. PCD-03 is the only device which can handle the maximum expected landfill gas flow by itself and therefore must be available to operate at all times except shutdown and malfunction.
(40 CFR 60.753(f), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)
13. Visible emissions from each pollution control device, PCD-01, PCD-02 and PCD-03, shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity as determined by EPA Method 9. This condition applies at all times, except during start-up, shut down and malfunction.
(9 VAC 5-50-80, 9 VAC 5-80-10, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)
14. At all times, including periods of start-up, shutdown and malfunction, the enclosed flare and engines; PCD-01, PCD-02 and PCD-03, shall be maintained and operated in a manner consistent with good air pollution control practices of minimizing emissions, including proper operation and maintenance. Equipment operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer's operating instructions, at minimum.
(9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 E and 9 VAC 5-80-850)

B. Monitoring

1. The permittee shall monitor the following items on a monthly basis:
 - a. Gauge pressure at each well,
 - b. Landfill gas temperature at each active well, and
 - c. Nitrogen or oxygen concentration at each active well.

Appropriate methods for monitoring oxygen or nitrogen are contained in Conditions III.E.3 and III.E.4 of this permit.

(40 CFR 60.755(a)(3), 40 CFR 60.755(a)(5), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)

2. ~~The permittee shall monitor the concentration of methane on the surface of the landfill on a quarterly basis. The monitoring shall be conducted in a pattern consistent with the "NSPS Surface Emissions Monitoring Route" as detailed in the "Prince William County Landfill — Annual Report for New Source Performance Standards Compliance," dated January 1999, or the most recent DEQ approved monitoring route. The surface monitoring route, at a minimum, shall be along the perimeter of the gas collection area and for each collection area, along a pattern that traverses the landfill at 30-meter intervals. The surface monitoring route must also include the "old landfill." The appropriate method for monitoring surface methane is contained in Conditions III.E.5, III.E.6 and III.E.7 of this permit. Beginning the Third Quarter of 2003, the permittee must conduct surface monitoring pursuant to 40 C.F.R. §§ 60.753(d) and 60.755(c)(1), by monitoring the surface concentration of methane~~
 - a. Around the perimeter of the collection area;
 - b. Along a pattern that traverses the landfill at 30 meter intervals; and
 - c. Where visual observations indicate elevated concentrations of landfill gas, including, but not limited to
 - (i) Points along the storm water drainage system to the extent such structures collect storm water from sections of the landfill for which a gas collection and control system is required and are located with the perimeter of a waste disposal area, including all drop inlets, points in and around pipe down chutes and adjacent pipe gutters;
 - (ii) Points along the leachate collection system to the extent such components collect leachate from sections of the landfill for which a gas collection and control system is required and are located above the landfill surface and within the perimeter of a waste disposal area; and
 - (iii) Any points located within the perimeter of a waste disposal area where visual observations may indicate elevated concentrations of landfill gas.

(40 CFR 60.755(c)(1), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)

3. For the enclosed flare, PCD-03, the permittee shall calibrate, maintain and operate, according to the manufacturer's specifications, the following equipment:
 - a. A temperature monitoring device which measures the combustion temperature. The device shall be equipped with a continuous recorder having a minimum accuracy of ± 1 percent of the temperature being measured expressed in degrees Celsius or $\pm 0.5^{\circ} \text{C}$, whichever is greater.
 - b. A device that records flow to or bypass of the enclosed flare at least every fifteen minutes.

(40 CFR 60.756(b), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)

4. For the engines, PCD-01 and PCD-02, the permittee shall calibrate, maintain and operate, according to the manufacturer's specifications, the following equipment:
 - a. A temperature monitoring device which measures the exhaust manifold temperature. The device shall be equipped with a continuous recorder having a minimum accuracy of ± 1 percent of the temperature being measured expressed in degrees Celsius or $\pm 0.5^{\circ} \text{C}$, whichever is greater.
 - b. A device that records flow to or bypass of the engines at least every fifteen minutes.

(40 CFR 60.756(b), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)

5. The permittee shall implement a program to monitor for cover integrity and implement cover repairs as necessary on a monthly basis.
(40 CFR 60.755(c)(5), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)

C. Corrective Actions

1. If a positive pressure exists at any wellhead during the monthly monitoring required in Condition III.B.1, except for the three situations allowed under Condition III.A.6, action shall be taken to correct the exceedance within five days. If negative pressure cannot be achieved without excess air infiltration within fifteen calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days of the initial measurement of positive pressure. An alternative timeline for correcting the exceedance may be submitted to the Air Compliance Manager, Northern

Virginia Regional Office for approval.

(40 CFR 60.755(a)(3), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)

2. If conditions at an active well head equal or exceed 55 ° C (131 °F), or 5% oxygen concentration, or 20% nitrogen concentration during the monthly monitoring required in Condition III.B.1, action shall be initiated to correct the exceedance within five days. If correction of the exceedance cannot be achieved within fifteen days from the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days of the initial exceedance. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. An alternative schedule may be submitted to the Air Compliance Manager, Northern Virginia Regional Office for approval.
(40 CFR 60.755(a)(5), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)
3. If surface emissions of methane are equal to or greater than 500 parts per million above background, as measured during the quarterly monitoring required in Condition III.B.2, actions shall be taken as follows:
 - a. Maintenance to the landfill cover or adjustment to the vacuum of the adjacent wells to increase the gas collection in the vicinity of each exceedance shall be made. The location shall be re-monitored within ten days of detecting any exceedance.
 - b. If re-monitoring of the location shows a second exceedance, additional corrective action shall be taken and the location shall be re-monitored again within ten days of the second exceedance.
 - c. For any location, which shows an exceedance three times within a quarterly period, a new well or other collection device shall be installed within 120 days of the initial exceedance. An alternative remedy to correct the exceedance and an alternative time line to complete the remedy may be submitted to the Air Compliance Manager, Northern Virginia Regional Office for approval.
 - d. Any location that initially showed an exceedance, but has a methane concentration less than 500 ppm above background after the first or second ten-day re-monitoring shall be re-monitored one month from the initial exceedance. If the one-month re-monitoring shows no exceedance, no further monitoring is required at that location until the next quarterly monitoring period. If the one-month re-monitoring shows an exceedance, then repeat the steps in (b) and (c) above as necessary.

As long as the specified actions are taken, the exceedance(s) will not be considered a violation of the operational requirements of the operational requirements of this permit.

(40 CFR 60.755(c)(4), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)

D. Record Keeping

1. The permittee shall keep, for at least five years, up-to-date, readily accessible, on site records of the maximum design capacity; the current amount of solid waste in place; and the year-by-year waste acceptance rate. Off site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats approved by the Air Compliance Manager are acceptable.
(40 CFR 60.758(a), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)
2. The permittee shall keep, for at least five years, up-to-date, readily accessible, on site records of the annual landfill gas flow to the control devices, PCD-01, PCD-02 and PCD-03.
(9 VAC 5-80-110 H)
3. The permittee shall keep up-to-date, readily accessible, records for the life of the control equipment of the data listed below as measured during the initial performance tests.
 - a. The maximum expected gas generation flow rate over the life of the landfill.
 - b. The density of wells, horizontal collectors, surface collectors or other gas extraction devices.
 - c. The combustion temperature of the enclosed flare, PCD-03, measured at least every fifteen minutes and averaged over the same time period as the performance test.
 - d. Engine exhaust manifold temperature measured at least every fifteen minutes and averaged over the same time period as the performance test, as long as the requirement to measure exhaust manifold temperature applies.

Records of subsequent tests or monitoring shall be maintained for a minimum of five years. Records of the control device vendor specifications shall be maintained until the equipment is removed.

(40 CFR 60.756(d), 40 CFR 60.758(b), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)

4. The permittee shall keep, for at least five years, up-to-date, readily accessible, records of the following operating parameters:
 - a. Results of monthly monitoring of well head temperature, pressure and oxygen or nitrogen concentrations as required in Condition III.B.1.
 - b. Results of the quarterly methane surface-monitoring as required in Condition III.B.2.
 - c. Combustion temperature of the enclosed flare, PCD-03, as required in Condition III.B.3.
 - d. Engine exhaust manifold temperature of each engine, PCD-01 and PCD-02, as required in Condition III.B.4.a. The measurements to be provided for record keeping shall be every fifteen minutes.
 - e. All 3-hour periods, except during start-up and shutdown, of enclosed flare, operation during which the average combustion temperature was more than 28 °C (50 °F) below the average combustion temperature during the most recent performance test.
 - f. All 3-hour periods, except during start-up and shutdown, when engine exhaust manifold temperature of each engine decreases 28 °C (50 °F) below the average engine exhaust manifold temperature.
 - g. Continuous records of the indication of flow to the control devices, PCD-01, PCD-02 and PCD-03.

(40 CFR 60.756(d), 40 CFR 60.758(c), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)

5. The permittee shall keep, for the life of the collection system, an up-to-date, readily accessible plot map showing each existing and planned collector in the system and providing a unique identification location label for each collector. These records should include the installation date and date of all newly installed collectors. In addition, the permittee shall keep readily accessible documentation of the nature, date of deposition, amount, and location of asbestos-containing or nondegradable waste excluded from collection as well as any nonproductive areas excluded from collection.
(40 CFR 60.758(d), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)

6. The permittee shall keep, for at least five years, readily accessible records of all collection and control system exceedances of the operational standards provided in Conditions III.A.6, III.A.7 and III.A.8 (gauge pressure, nitrogen or oxygen concentration and temperature at the well heads, and surface methane concentration). The records shall include the reading in the subsequent month whether or not the second reading is an exceedance, and the location of each exceedance.
(40 CFR 60.758(e), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)
7. The permittee shall record and have available for inspection instances when positive pressure occurs at a well head in efforts to avoid a fire.
(40 CFR 60.753(b)(1), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)
8. The permittee shall maintain records of the operator training required in Condition III.A.14, including a statement of time, place and nature training provided. The records shall be available on site for inspection by DEQ and shall be kept up to date for the most recent five years. Operator training records shall be kept up to date for the most current operators.
(9 VAC 5-80-110E)
9. The permittee shall maintain records of all scheduled and unscheduled maintenance on the engines, PCD-01 and PCD-02, and the enclosed flare, PCD-03. The records shall be available on site for inspection by DEQ and shall be kept up to date for the most recent five years.
(9 VAC 5-80-110E)

E. Testing

1. No later than 180 days from the issuance of this permit, the permittee shall conduct a performance test on the exhaust stack of each control device, PCD-01, PCD-02 and PCD-03, to determine compliance with the emission limitations provided in Condition III.A.11. The testing shall be conducted in accordance with EPA Reference Methods 18 or 25C, or other procedures approved in advance by the Air Compliance Manager, Northern Virginia Regional Office. If using Method 18, the minimum list of compounds to be tested shall be those published in the most recent Compilation of Air Pollutant Emission Factors (AP-42). During the performance tests, the permittee shall determine the average cylinder temperature of each engine, PCD-01 and PCD-02 and average combustion temperature of the enclosed flare, PCD-03. The average cylinder temperature is defined as the average temperature of all cylinders in each engine, averaged over the three one-hour test runs. The Air Compliance Manager, Northern Virginia Regional Office shall agree to the details of the test. The permittee shall submit a test protocol at least thirty

days prior to testing. Two copies of the test results shall be submitted to the Air Compliance Manager, Northern Virginia Regional Office, within forty-five days after test completion.

(40 CFR 60.754(d), 9 VAC 5-50-30, 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 E and 9 VAC 5-80-850)

2. Concurrently with the performance tests specified in Condition III.E.1, visible emissions evaluations (VEE) shall be conducted on the exhaust stacks of the control devices, PCD-01, PCD-02 and PCD-03, in accordance with EPA Reference Method 9, to determine compliance with the visible emission limitation specified in Condition III.A.13. The VEE test shall consist of two sets of twenty-four consecutive observations (at fifteen second intervals) to yield a six-minute average. The Air Compliance Manager, Northern Virginia Regional Office shall agree to the details of the test. Should conditions prevent concurrent opacity observations, the Air Compliance Manager, Northern Virginia Regional Office, shall be notified in writing, within seven days, and visible emissions testing to be rescheduled within thirty days. A rescheduled VEE shall be conducted under the same conditions (as possible) as the performance test conducted in accordance with III.E.1. Two copies of the test result shall be submitted to the Air Compliance Manager, Northern Virginia Regional Office, within forty-five days after test completion.
(9 VAC 5-50-30, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 E and 9 VAC 5-80-850)
3. If measured, the nitrogen level at each wellhead shall be determined by using EPA Method 3C, or an alternative method approved in advance by the Administrator, EPA.
(40 CFR 60.753(c)(1), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)
4. The oxygen level at each wellhead shall be determined by an oxygen meter using EPA Method 3A under the following conditions:
 - a. The span shall be set so that the regulatory limit is between 20 and 50 percent of the span.
 - b. A data recorder is not required.
 - c. Only a zero and a span calibration gas are required. Ambient air may be used as span.
 - d. A calibration error check is not required.
 - e. The allowable sample bias, zero drift, and calibration drift are 10%.

(40 CFR 60.753(c)(2), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)

5. Surface emission monitoring shall be performed in accordance with 40 CFR 60 Appendix A, Method 21, Section 4.3.1 except that the probe inlet shall be placed within 5 to 10 centimeters of the ground. Monitoring shall be performed during typical meteorological conditions.
(40 CFR 60.755(c)(3), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)
6. The portable analyzer used to determine the surface methane concentration shall meet the instrument specifications provided in 40 CFR 60, Appendix A, Method 21, Section 3, except that "methane" shall replace all references to VOC. The calibration gas shall be methane, diluted to a nominal concentration of 500 ppm in air. To meet the performance evaluation requirements in section 3.1.3 of Method 21, the instrument evaluation procedures of Section 4.4 of Method 21 shall be used. The calibration procedures in Section 4.2 of Method 21 shall be followed immediately before commencing a surface monitoring survey.
(40 CFR 60.755(d), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)
7. The background concentration of methane, needed to complete the quarterly surface emissions monitoring required in Condition III.B.2, shall be determined by moving the probe inlet upwind and downwind outside the boundary of the landfill at a distance of at least 30 meters from the perimeter wells.
(40 CFR 60.755(c)(2), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)
8. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following methods in accordance with procedures approved by the DEQ as follows:

| Pollutant | Test Method (40 CFR Part 60, Appendix A) |
|-----------------|---|
| NMOC | EPA Method 18/25C |
| N ₂ | EPA Method 3C |
| O ₂ | EPA Method 3A |
| CH ₄ | EPA Method 21 |
| Opacity | EPA Method 9 |

(9 VAC 5-80-110 E)

F. Reporting

1. The permittee shall submit an Annual Compliance report to the Air Compliance Manager, Northern Virginia Regional Office by March 1st of each year. The report shall cover the previous calendar year and include the following information:
 - a. Value and length of time of exceedances of pressure, temperature, nitrogen or oxygen measurements at wellheads as monitored in Conditions III.B.1.
 - b. Description and duration of all periods when the gas stream is diverted from the control devices, PCD-01, PCD-02 and PCD-03, through a bypass line or the indication of bypass flow.
 - c. Description and duration of all periods when the control devices, PCD-01, PCD-02 and PCD-03, were not operating but while gas was being collected for a period exceeding one hour and length of time the control devices were not operating.
 - d. All periods when the control devices, PCD-01, PCD-02 and PCD-03, were not operating in excess of five days.
 - e. All instances when positive pressure at a well head occurred in efforts to avoid a fire.
 - f. The location of each exceedance of the 500 ppm methane concentration standard, and the concentration recorded at each location for which an exceedance was recorded in the previous month
 - g. The date of installation and the location of each well or collection system expansion added pursuant to corrective actions associated with oxygen, nitrogen, temperature, pressure or surface methane exceedances as provided in Condition III.C.1 and III.C.2., or as a result of wells added due to maturation of initial solid waste placed in each cell or group of cells as provided in Condition III.A.3.
 - h. All 3-hour periods, except during start-up and shutdown, of enclosed flare operation during which the combustion temperature was more than 28 °C (50 °F) below the average combustion temperature during the most recent performance test.
 - i. All 3-hour periods, except during start-up and shutdown, when engine exhaust manifold temperature decreases 28 °C (50 °F) below the average

engine exhaust manifold temperature as determined during the most recent performance test.

A copy of this report shall also be sent to:

Chief
Air Enforcement Branch (3AT20)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA. 19103-2029

(40 CFR 60.753(b)(1), 40 CFR 60.757(f), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)

G. Requirements for Landfill Closure

1. The collection and control system may be capped or removed provided that all the following conditions are met:
 - a. The landfill shall be a closed landfill. A closed landfill is defined as a landfill in which solid waste is no longer being placed and in which no additional solid wastes will be placed without first filing a notification of modification as prescribed in the General Provisions, 40 CFR 60.7(a)(4).
 - b. The collection and control system shall have been operating at least 15 years.
 - c. The calculated NMOC gas production shall be less than 50 megagrams per year on three successive test dates. The test dates shall be no less than 90 days apart and no more than 180 days apart.

(40 CFR 60.752(b)(2)(v), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)

2. The permittee shall calculate the NMOC emission rate for purposes of determining when the system can be removed using the following equation:

$$M_{nmoc} = 1.89 \times 10^{-3} Q_{lfg} \times C_{nmoc} \quad \text{where:}$$

M_{nmoc} = mass emission rate of NMOC, Mg/year

Q_{lfg} = flow rate of landfill gas, cubic meters/minute

C_{nmoc} = NMOC concentration, ppmv as hexane

- a. Q_{lig} shall be determined by measuring the total landfill gas flow rate at the common header pipe to the control device using a gas flow measuring device calibrated according to the provisions of 40 CFR 60, Appendix A, Method 2E, Section 4.
- b. C_{nmoc} shall be determined by collecting and analyzing landfill gas sampled from the common header pipe using Method 25C or Method 18. The minimum list of compounds shall be those published in the most recent version of AP-42 for Method 18. The sample location on the common header pipe shall be before any condensate removal or refining units. The permittee shall divide the NMOC concentration from Method 25C by six to convert from C_{nmoc} as carbon to C_{nmoc} as hexane.

(40 CFR 60.754(b), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)

3. The permittee shall submit a closure report to the Air Compliance Manager, Northern Virginia Regional Office within thirty days of the date the landfill stops accepting waste. DEQ may request additional information as may be necessary to verify that permanent closure has taken place in accordance with the requirements of 9 VAC 20-80-250 E. and F. If a closure report has been submitted to the DEQ, no additional wastes may be placed into the landfill without first filing a notification of modification.
(40 CFR 60.757(d), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)
4. The permittee shall submit an equipment removal report to the Air Compliance Manager, Northern Virginia Regional Office at least thirty days prior to removal or cessation of operation of the control equipment. The report shall contain the following:
 - a. A copy of the closure report.
 - b. A copy of the initial performance test report demonstrating that the fifteen year minimum control period has expired.
 - c. Dated copies of three successive NMOC emission rate reports demonstrating the landfill is no longer producing 50 Mg or greater of NMOC per year.

DEQ may request additional information to verify that all conditions for removal have been met.

(40 CFR 60.757(e), 9 VAC 5-50-410, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)

IV. Facility Wide Conditions – Landfill Surface and Roads

A. Limitations

1. The permittee shall take reasonable precautions to prevent fugitive dust from landfill surface and roads from becoming airborne. Such reasonable precautions shall include the following as a minimum:
 - a. Dust from grading, cell construction, waste compaction, application of daily cover, wood waste chipping operations, storage piles and traffic areas shall be controlled by wet suppression or equivalent (as approved by DEQ) control measures.
 - b. All materials being stockpiled shall be kept moist to control dust during storage and handling, or covered to minimize emissions.
 - c. Dust from haul roads shall be controlled by wet suppression. Dried sediment resulting from soil erosion and dirt spilled or tracked onto paved surfaces within the landfill shall be promptly removed.
 - d. Reasonable precautions shall be taken to prevent deposition of dirt on public roads, and to prevent subsequent dust emissions. Dirt spilled or tracked onto paved surfaces shall be promptly removed to prevent particulate matter from becoming airborne.

(9 VAC 5-50-90, 9 VAC 5-80-10 H, 9 VAC 5-80-70 B, 9 VAC 5-80-110 and 9 VAC 5-80-850)

B. Monitoring and Record Keeping

1. At least daily, the permittee shall visually survey the trafficable roads at the site and landfill activities for any sources of excess fugitive emissions. For the purposes of this survey, excess emissions are considered any visible emissions that leave the facility site boundaries. The presence of excessive fugitive dust shall require further investigation as to the cause of the emissions and require timely corrective action.
(9 VAC 5-80-110 E)
2. The permittee shall record each daily observation and any corrective actions taken. The record shall include the time and place of observation, a brief description of the observation and type of corrective action taken if needed. These records shall be available for inspection by the DEQ and shall be current for the most recent five years.
(9 VAC 5-80-110 E)

C. Reporting

1. The permittee shall report instances of excessive fugitive emissions, as described in Condition IV.B.2, the time and place of the excess emissions, and corrective actions taken, annually and shall be included with the annual compliance report required in Condition III.F.1.
(9 VAC 5-80-110 E)

V. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

| Emission Unit No. | Emission Unit Description | Citation | Pollutant(s) Emitted (9 VAC 5-80-720 B) | Rated Capacity (9 VAC 5-80-720 C) |
|-------------------|---|-----------------|---|--|
| 2 | Screens and grinders at compost facility | 9 VAC 5-80-720B | NO _x , CO, SO ₂ , PM10, VOC | Various small |
| 3 | Leachate lagoons | 9 VAC 5-80-720B | VOC | Various |
| 4 | Fuel storage tanks | 9 VAC 5-80-720B | VOC | 1 - 500 gal gasoline 2 – 2,000 gal diesel |
| 5 | Diesel-fired space heaters in maintenance garage | 9 VAC 5-80-720B | NO _x , CO, SO ₂ , PM10, VOC | 0.12 MMBtu/hr per unit |
| 6 | Portable kerosene-fired heaters in recycling building | 9 VAC 5-80-720A | NO _x , CO, SO ₂ , PM10, VOC | Various small |

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

VI. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements, which have been specifically identified, as being not applicable to this permitted facility:

| Citation | Title of Citation | Description of Applicability |
|-----------------|-------------------|------------------------------|
| None identified | --- | --- |

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.

(9 VAC 5-80-140)

VII. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless a timely and complete renewal application, consistent with 9 VAC 5-80-80, has been submitted to the Department by the owner, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months, but no earlier than eighteen months, prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant to section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)
2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-110 F)
3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than March 1 and September 1 of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
 - a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
 - b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
 - (1) Exceedance of emissions limitations or operational restrictions;

- (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
 - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each terms or conditions of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall report by the next business day any deviations from permit requirements or any excess emissions, including those attributable to upset conditions as defined in this permit, the probable cause of such deviations, and any corrective actions or preventive measures taken.

(9 VAC 5-80-110 F.2)

F. Failure/Malfunction Reporting

If, for any reason, the affected facilities or related air pollution control equipment fails or malfunctions and may cause excess emissions for more than one hour, the owner shall notify the Air Compliance Manager, Northern Virginia Regional Office, within four daytime business hours of the occurrence. In addition, the owner shall provide a written statement, within fourteen days, explaining the problem, corrective action taken, and the estimated duration of the breakdown/shutdown.

(9 VAC 5-80-250)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

J. Permit Action for Cause

1. This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
(9 VAC 5-80-110 G.4)
2. Such changes that may require a permit modification and/or revisions include, but are not limited to, the following:
 - a. Erection, fabrication, installation, addition, or modification of an emissions unit (which is the source, or part of it, which emits or has the potential to emit any regulated air pollutant), or of a source, where there is, or there is potential of, a resulting emissions increase;
 - b. Reconstruction or replacement of any emissions unit or components thereof such that its capital cost exceeds 50% of the cost of a whole new unit;
 - c. Any change at a source which causes emission of a pollutant not previously emitted, an increase in emissions, production, throughput, hours of operation, or fuel use greater than those allowed by the permit, or by 9 VAC 5-80-11, unless such an increase is authorized by an emissions cap; or any change at a source which causes an increase in emissions resulting from a reduction in control efficiency, unless such an increase is authorized by an emissions cap;
 - d. Any reduction of the height of a stack or of a point of emissions, or the addition of any obstruction which hinders the vertical motion of exhaust;
 - e. Any change at the source which affects its compliance with conditions in this permit, including conditions relating to monitoring, recordkeeping, and reporting;
 - f. Addition of an emissions unit which qualifies as insignificant by emissions rate (9 VAC 5-80-720 B) or by size or production rate (9 VAC 5-80-720 C);

- g. Any change in insignificant activities, as defined by 9 VAC 5-80-90 D.1.a (1) and 9 VAC 5-80-720 B and 9 VAC 5-80-720 C.

(9 VAC 5-80-110 G and L, 9 VAC 5-80-110 J, 9 VAC 5-80-240, and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.

(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)
2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-305 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-355.

(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.

(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of paragraph 2 are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of malfunction, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit.

- d. The permittee notified the board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.
4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A-F)

Y. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

Z. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

AA. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)